

3. A true and correct copy of the patent asserted in this lawsuit, United States Patent No. 7,346,313 (“the ’313 Patent”) together with its certificates of correction are attached as Exhibit A.

4. Red Rock’s L.R. CV-38 Jury Demand is attached as Exhibit B.

5. Red Rock’s Fed. R. Civ. P. 7.1 Disclosure Statement is attached as Exhibit C.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

7. The Court has personal jurisdiction over Defendant, including because Defendant has minimum contacts within the State of Texas; Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas; Defendant regularly conducts business within the State of Texas; and Plaintiff’s cause of action arises directly from Defendant’s business contacts and other activities in the State of Texas, including at least by virtue of Defendant’s infringing systems, devices, and methods, which are at least sold, practiced, and/or used in the State of Texas. Further, this Court has general jurisdiction over Defendant, including due to its continuous and systematic contacts with the State of Texas. Further, on information and belief, Defendant is subject to the Court’s jurisdiction, including because Defendant has committed patent infringement in the State of Texas. Defendant has regular and established places of business in this district and regularly sells, markets, and supports its products and services within this judicial district. Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial and pervasive business in this State and judicial district, including: (i) at least part of its infringing activities alleged herein; and (ii) regularly doing or soliciting business, engaging

in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

8. Venue is proper in this federal district pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b). Without limitation, Defendant has regular and established places of business in this District, and in Texas, and at least some of its infringement of the patent-in-suit occurs in this District, and in Texas.

9. Without limitation, venue is proper in this District because Defendant has physical places from which its business is conducted within this District comprising Apple stores, including at 6121 West Park Boulevard in Plano, Texas (a.k.a. Apple Willow Bend) and 2601 Preston Road in Frisco, Texas (a.k.a. Apple Stonebriar). The business conducted at such places is steady, uniform, orderly, and/or methodical, and is settled and not transient, including, but not limited to, distribution, sales, and/or offers for sale of infringing products. On information and belief, Defendant also has Apple Stores in multiple locations throughout the state of Texas, and it has significant corporate facilities in Austin, Texas as well. Further, on information and belief, Defendant is subject to venue in this District, including because Defendant has committed patent infringement in this District. Pursuant to 35 U.S.C. § 271, Defendant infringes the patent-in-suit by the infringing acts described herein in this District. Further, Defendant solicits and induces customers/users in this District, including via its stores and website at www.apple.com. On information and belief, Defendant has customers/users who are residents of this District and who purchase, acquire, and/or use Defendant's infringing products in this District.

10. The '313 Patent was previously asserted in this District against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, LLC. Case No. 2:17-cv-101-RWS-RSP. During that lawsuit, this Court

conducted proceedings regarding the asserted patent and the accused products including, *e.g.*, construing the meaning of certain terms and phrases from the patent; ruling on motions to amend infringement contentions; ruling on *Daubert* motions concerning liability and damages; denying summary judgment of non-infringement; and conducting a pretrial conference. Given this history, this Court has significant knowledge regarding the asserted patent, and principles of judicial economy further support venue in this Judicial District.

INFRINGEMENT OF U.S. PATENT NO. 7,346,313

11. On March 18, 2008, United States Patent No. 7,346,313 was duly and legally issued for inventions entitled “Calibration of I-Q Balance in Transceivers.” Red Rock was assigned the ’313 Patent and continues to hold all rights and interest in the ’313 Patent.

12. The ’313 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief and pursuant to 35 U.S.C. § 271(a), Apple has directly infringed and continues to directly infringe numerous claims of the ’313 Patent, including at least claims 7, 12, 15, 16, 18, 21, 44, 49, 52, 53, 55, and 58 by its manufacture, use, sale, importation, and/or offer for sale of products (*e.g.*, computers, cellular phones, tablets, watches) that include wireless transceivers that comply with the IEEE 802.11n “Wi-Fi” standard and/or that comply with later versions of IEEE 802.11 (*e.g.* 802.11ac, 802.11ad, and/or 802.11ax) (the “Infringing Products”). Based on Apple’s public statements and third party analyses of Apple’s products, the Infringing Products include, for example, 802.11n and later wireless transceivers made by Broadcom Inc. On the basis of information and belief, the 802.11n and later wireless transceivers in the Infringing Products include a direct conversion transceiver with a transmit chain, a receive chain, a processor, and a calibration subsystem that performs I-Q gain imbalance calibration using a calibration RF signal, a signal path for injecting the calibration RF signal from the

transmit RF signal port to the receive RF signal port, a processor for processing the baseband receive calibration RF signal to forms an observable indicator of I-Q imbalance, a channel gain adjuster, and a calibration cycle that determines transmitter and receiver I-Q gain settings according to the systems and methods claimed by the '313 Patent.

14. Apple's Infringing Products include, but are not limited to: iPhone XR; iPhone XS; iPhone XS Max; iPhone X; iPhone 8; iPhone 8 Plus; iPhone 7; iPhone 7 Plus; iPhone SE; iPhone 6; iPhone 6 Plus; iPhone 5; iPhone 5S; iPhone 5C; iPhone 4; iPhone 4S; iPad Pro (3rd Generation); iPad (2018); iPad Pro (2nd Generation); iPad (2017); iPad Pro (1st Generation); iPad Air 2; iPad Air; iPad 4th Generation; iPad 3rd Generation; iPad 2; iPad; iPad mini 4; iPad mini 3; iPad mini 2; iPad mini; iPod Touch 6th Generation; iPod Touch 5th Generation; iPod Touch 4th Generation; Apple Watch, Series 4; Apple Watch Series 3; Apple Watch Series 2; Apple Watch Series 1; Apple TV 4K; Apple TV 5th Generation; Apple TV 4th Generation; Apple TV 3rd Generation; Apple TV 2nd Generation; Apple TV 1st Generation; AirPort Extreme; Airport Express; Airport Time Capsule 802.11ac; Airport Time Capsule 802.11n 3rd Generation; MacBook; MacBook Pro; MacBook Air; iMac Pro; Mac Mini; iMac; Mac Pro; HomePod; and all other devices that use IEEE 802.11n or later.

15. On information and belief, at least as of the filing of this complaint, Defendant has knowledge of the '313 Patent and indirectly infringes at least claims 7, 12, 15, 16, 18, 21, 44, 49, 52, 53, 55, and 58 of the '313 Patent by active inducement under 35 U.S.C. § 271(b) and/or § 271(f). Defendant has induced, caused, urged, encouraged, aided and abetted its direct and indirect customers to make, use, sell, offer for sale and/or import Infringing Products. Defendant has done so by acts including but not limited to selling Infringing Products to its customers; marketing Infringing Products; and providing instructions, technical support, and other support

and encouragement (available via <https://support.apple.com/>, for instance) for the use of Infringing Products. Such conduct by Defendant was intended to and actually resulted in direct infringement, including the making, using, selling, offering for sale, and/or importation of Infringing Products in the United States.

16. On information belief, at least as of the filing of this complaint, Defendant has knowledge of the '313 Patent and indirectly infringes by contributing to the infringement of, and continuing to contribute to the infringement of, one or more claims of the '313 Patent under 35 U.S.C. § 271(c) and/or 271(f) by selling, offering for sale, and/or importing into the United States, the Infringing Products and/or components of the Infringing Products. Defendant knows that the Infringing Products include hardware components and software instructions that work in concert to perform specific, intended functions. Such specific, intended functions, carried out by these hardware and software combinations, are a material part of the inventions of the '313 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

17. The acts of infringement by Defendant have caused damage to Red Rock, and Red Rock is entitled to recover from Defendant the damages sustained by Red Rock as a result of Defendant's wrongful acts in an amount subject to proof at trial. The infringement of Red Rock's exclusive rights under the '313 Patent by Defendant has damaged and will continue to damage Red Rock, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

18. Upon information and belief, since at least the filing of this lawsuit, Apple's aforementioned actions have been, and continue to be, committed in a knowing and willful manner and constitute willful infringement of the '313 Patent.

PRAYER FOR RELIEF

WHEREFORE, Red Rock prays for the following relief:

19. A judgment in favor of Red Rock that Defendant has infringed and is infringing, either literally and/or under the doctrine of equivalents, U.S. Patent No. 7,346,313;

20. An Order permanently enjoining Defendant, its respective officers, agents, employees, and those acting in privity with them, from further direct and/or indirect infringement of U.S. Patent No. 7,346,313;

21. An award of damages to Red Rock arising out of Defendant's infringement of U.S. Patent No. 7,346,313, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed, and enhanced damages pursuant to 35 U.S.C. § 284, together with prejudgment and post-judgment interest, in an amount according to proof;

22. An award of an ongoing royalty for Defendant's post-judgment infringement in an amount according to proof in the event that a permanent injunction preventing future acts of infringement is not granted;

23. A declaration that Defendant's infringement was willful and an award of treble damages pursuant to 35 U.S.C. § 284;

24. An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and

25. Granting Red Rock its costs and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

26. Red Rock demands a trial by jury of any and all issues triable of right before a jury.

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/s/ Leslie V. Payne

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